

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21551 of 2004

Dated:28-09-2005

Between:

Sri Atluri Motilal, S/o. Sri Atuluri Raghava Rao,
R/o. H.No. 5/8, Bahar, Sahara States, L.B. Nagar, Hyderabad.

..... PETITIONER

AND

The State rep. by S.H.O., Kaligiri, Nellore District and another.

.....RESPONDENT(S)

THE HONOURABLE SRI JUSTICE K.C.BHANU

W.P.NO.21551 OF 2004

ORDER:

This writ petition is filed seeking a mandamus to declare the crime No.84/04 for filing on the file of Kaligiri Police Station as wholly unconstitutional, illegal and arbitrary and consequently set aside the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

In the entire affidavit there is no factual foundation as to how the crime registered by the respondent No.1 is illegal and arbitrary. There cannot be any dispute that it is statutory obligation on the part of the Police to conduct investigation and register the case, if the offence prima facie is cognizable offence. The learned counsel for the petitioner contended that the petitioner is in possession of the lands by virtue of valid title. Whether the petitioner is in lawful possession of the lands or he is an encroacher of Government lands is the question to be decided by a competent court of civil jurisdiction and not by this court. Since there is no factual foundation, the request is devoid of merit and the writ petition is liable to be dismissed.

The writ petition is dismissed. No order as to costs. All the remedies available under law to the petitioner are left open.

K.C.BHANU,J

28-09-2005

Stp